

NEW HAMPSHIRE REAL ESTATE COMMISSION

COMMISSION MEETING

JANUARY 18, 2005

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, January 18, 2005 at 8:30 a.m. in Room 425, State House Annex, 25 Capitol Street, Concord, New Hampshire 03301.

Meeting called to order at 8:30 a.m. by Chairman Arthur Slattery

Present: Commissioners Arthur Slattery, Pauline Ikawa, Nancy LeRoy, Robert Stephen, Executive Director Beth Emmons, and Investigator Ann Flanagan.

- I. Motion by Commissioner LeRoy, seconded by Commissioner Stephen, to approve and accept the minutes of the Commission meeting held on December 14, 2004.

II. APPOINTMENTS

8:30 a.m. - Equivalency Interviews - None

8:57 a.m. DAVID P. LEARY appeared before the Commission regarding a previous disciplinary action issued by the Commission to Mr. Leary after a hearing on Complaint File No. 1-3-00 & 2-4-00 and to request that the Commission allow him to apply for a new salesperson's license. After review and discussion, the Commission on motion by Commissioner Stephen, seconded by Commissioner LeRoy, unanimously decided not to allow Mr. Leary to apply for a salesperson's license until Mr. Leary can provide to the Commission acceptable documentation. The Commission also requested Mr. Leary to supply at least 3 character references.

9:20 a.m. – JOHN BALKUS appeared before the Commission to request a waiver of the 40 pre-licensing course education requirement for a salesperson's license. Mr. Balkus explained that he was a second semester law student and felt that the law courses that he has completed sufficiently satisfy the educational requirement. After review and discussion, the Commission denied Mr. Balkus' request, based on the fact that the Commission has ruled that the only education which will satisfy the 40 hour educational requirement for a salesperson's license is a 40 hour accredited real estate pre-licensing course.

9:30 a.m. – DON DENNIS – appeared before the Commission regarding a previous legal incident prior to applying for an original salesperson's license. After review and discussion, the Commission unanimously decided to deny Mr. Dennis an original salesperson's license at this time, until the Commission is in receipt of acceptable documentation from Mr. Dennis. The Commission instructed Mr. Dennis to re-appear before the Commission when he can supply sufficient documentation.

III. DISCUSSION

FILE NO. 2004-036 – The complainant of Complaint File No. 2004-036 submitted a request for withdrawal of File No. 2004-036 based on the resolution of the parties differences. After review and discussion, and upon Commissioner Slattery's evaluation of the complaint, the Commission unanimously decided to deny the Complainant's request and to schedule a hearing on the matter. The parties to the complaint to be so notified.

IV. OTHER BUSINESS

1. Tuesday, February 15, 2005, was unanimously approved as the date for the next regular meeting.

2. CASE EVALUATIONS

(a) **FILE NO. 2003-06-04**

Evaluator: Commissioner Slattery

Determination: Should be heard, hearing to be scheduled.

(b) **FILE NO. 2004-022**

Evaluator: Commissioner LeRoy

Determination: No violation, should not be heard.

(c) **FILE NO. 2004-023**

Evaluator: Commissioner Slattery

Determination: Should be heard, hearing to be scheduled. In the alternative, the Commission unanimously decided to offer the Respondent a Settlement Agreement with a disciplinary fine in the amount of five hundred dollars and completion of an accredited continuing education escrow course.

(d) **FILE NO. 2004-027**

Evaluator: Commissioner Slattery

Determination: No violation, should not be heard.

(e) **FILE NO. 2004-036**

Evaluator: Commissioner Slattery

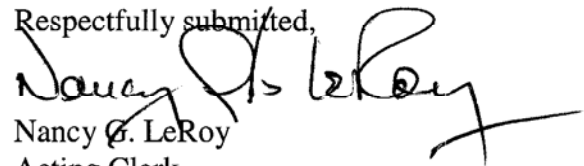
Determination: Should be heard, hearing to be scheduled. In the alternative, the Commission unanimously decided to offer the Respondent a Settlement Agreement with a disciplinary fine in the amount of five hundred dollars and completion of an accredited continuing education escrow course.

The above determination was unanimously approved.

VI. **ADJOURNMENT**

Motion by Commissioner LeRoy, seconded by Commissioner Ikawa to adjourn the meeting. Chairman Slattery adjourned the meeting at 10:35 a.m.

Respectfully submitted,


Nancy G. LeRoy
Acting Clerk